

NOTICES OF INTENT

The following Notices of Intent were filed with the Secretary of the Senate:

Wednesday, February 20, 1975

H.C.R. 46 - Senator Clower
S.C.R. 23 - Senator Sherman
S.B. 39 - Senator Doggett
S.B. 40 - Senator Doggett
S.B. 140 - Senator Harris
S.B. 222 - Senator Longoria

ADJOURNMENT

On motion of Senator Aikin the Senate at 11:15 o'clock a.m. adjourned until 10:30 o'clock a.m. tomorrow.

TWENTY-THIRD DAY
(Thursday, February 20, 1975)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Longoria, McKinnon, McKnight, Meier, Mengden, Moore, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: Lombardino, Mauzy and Ogg.

A quorum was announced present.

The Reverend George K. Beach, First Unitarian Church of Austin offered the invocation as follows:

O God, we awaken to Thy world.

The world we know well presses itself upon us with many demands and solicitations. It is manifold with power--pushing, pulling, misshaping us. We either give in and go along, or else we balk and fight back. Mostly we do some of all these things, till we are nearly smothered with the traffic and fog of a world too much with us.

Thou who art present in the silence, and heard most clearly when clamor ceases--present in the very negation of our thoughtless willfulness--let us be still. Let us wait upon Thy surpassing spirit. Let us be awakened to Thy world again.

Thy word be strong in our consciences, shaping our deliberations and decisions in human form. Let us speak with the simplest good will, and at least as loud as our

words, let our actions speak also. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Ogg was granted leave of absence for today on account of important business on motion of Senator McKinnon.

Senator Lombardino was granted leave of absence for today on account of important business on motion of Senator Williams.

Senator Mauzy was granted leave of absence for today on account of important business on motion of Senator Clower.

REPORTS OF STANDING COMMITTEES

Senator Snelson submitted the following report for the Committee on Intergovernmental Relations:

S.B. 170

Senator Adams submitted the following reports for the Committee on Administration:

S.R. 182

S.R. 170

S.R. 171

S.C.R. 17 (Amended)

SENATE BILLS ON FIRST READING

The following bills were introduced, read first time and referred to the Committee indicated:

By Senator Braecklein:

S.B. 395, A bill to be entitled An Act relating to legal rights of mentally retarded persons; admission and commitment to mental retardation services; transfer and discharge of clients; establishing human rights committees; providing for confidentiality of records; providing for responsibility of the Texas Department of Mental Health and Mental Retardation and cooperation with other agencies; providing for rulemaking authority; establishing provision for fees for services and support and maintenance of residents; providing penalties and remedies; providing effective dates; repealing Article 3871b, Vernon's Texas Civil Statutes; and declaring an emergency.

To Committee on Human Resources.

By Senators Brooks, Williams and Mauzy:

S.B. 409, A bill to be entitled An Act relating to the establishment of school-community guidance center pilot programs financed under the minimum foundation school program; amending Chapter 16, Texas Education Code, by adding Subchapter H; and declaring an emergency.

To Committee on Education.

By Senators Brooks, Clower and Doggett:

S.B. 410, A bill to be entitled An Act providing Public Agencies an exemption from taxes imposed on motor fuel, diesel, and liquefied gas; allowing refunds for taxes paid; amending Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, as follows: adding a Section (16) and a Section (17) to Article 9.01, adding a new Article 9.051, adding a Section (2a) to and amending Section (3), Section (6), and Section (7) of Article 9.13, adding a Section (16) to Article 10.02, adding a new Article 10.031, amending Section (1) of Article 10.14, adding a Section (3) to Article 10.15, adding a Section (16) to Article 10.52, adding a new Article 10.531, amending Section (1) of Article 10.64, adding a Section (3) to Article 10.65; and declaring an emergency.

To Committee on Finance.

By Senator Doggett:

S.B. 411, A bill to be entitled An Act relating to the authority of guardians of estates of wards to make tax-motivated gifts; amending Subsection (b), Section 230, Texas Probate Code; and declaring an emergency.

To Committee on Jurisprudence.

By Senator Harris:

S.B. 412, A bill to be entitled An Act amending Section 33A of The Securities Act, as amended (Article 581-33A, Vernon's Texas Civil Statutes) relating to liability for certain sales of securities; and declaring an emergency.

To Committee on Economic Development.

By Senator Andujar:

S.B. 414, A bill to be entitled An Act establishing penalties for the failure to stop and render aid or to give certain information in an accident on public water and for failure to make required accident reports; amending Section 24 of the Water Safety Act (Article 9206, Vernon's Texas Civil Statutes), by adding a new Subsection (g); and declaring an emergency.

To Committee on Jurisprudence.

By Senator Andujar:

S.B. 415, A bill to be entitled An Act relating to the immunity of witnesses in the process of the school book selection from civil liability; providing a remedy for witnesses who are sued; and declaring an emergency.

To Committee on Jurisprudence.

By Senator Braecklein:

S.B. 416, A bill to be entitled An Act relating to suspension of license and registration under certain conditions; amending Subsection (b), Section 5 and Section 6, Texas Motor Vehicle Safety-Responsibility Act, as amended (Article 6701h, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on Jurisprudence.

By Senator Ogg:

S.B. 417, A bill to be entitled An Act requiring certain political parties to hold presidential preference primary elections and providing for the allocation of delegates to the national conventions of such political parties on the basis of congressional district and statewide results of the presidential primary; also providing for the election of delegates to the June state convention of such political parties through election at the general primary election; amending the Texas Election Code as follows: amending Section 205, Texas Election Code, as amended (Article 13.27, Vernon's Texas Election Code), Section 212, as amended (Article 13.34, Vernon's Texas Election Code), Section 213, as amended (Article 13.35, Vernon's Texas Election Code), Section 216, as

amended (Article 13.38, Vernon's Texas Election Code), Section 217, as amended (Article 13.39, Vernon's Texas Election Code), Section 224, as amended (Article 13.47, Vernon's Texas Election Code), Section 235, as amended (Article 13.58, Vernon's Texas Election Code), and repealing Section 215, as amended (Article 13.37, Vernon's Texas Election Code); and declaring an emergency.

To Committee on State Affairs.

By Senator Ogg:

S.B. 418, A bill to be entitled An Act providing for the election of delegates to the county and senatorial district convention of parties holding primary elections through election at the general primary election; amending the Texas Election Code as follows: amending Section 212, as amended (Article 13.34, Vernon's Texas Election Code); Section 61c, as amended (Article 6.05c); Section 187, as amended (Article 13.09); Subdivision 3, Section 182, as amended (Article 13.04); Subdivision 17, Section 37, as amended, (Article 5.05); repealing Section 212a (Article 13.34a); and declaring an emergency.

To Committee on State Affairs.

By Senator Ogg:

S.B. 419, A bill to be entitled An Act providing for presidential preference primary elections and for the allocation of delegates to the national convention of a political party which holds a primary on the basis of the statewide results of the presidential primary; also providing for the election of delegates to the state conventions of parties holding primary elections through election at the general primary election; amending the Texas Election Code as follows: amending Section 212, as amended (Article 13.34, Vernon's Texas Election Code), Subsection (a), Section 235, as amended (Article 13.58), and Subdivision 3, Section 182, as amended (Article 13.04), adding Section 235a, and repealing Section 212a (Article 13.34a); and declaring an emergency.

To Committee on State Affairs.

By Senator Longoria:

S.B. 420, A bill to be entitled An Act relating to rates that may be charged by certain gas companies in certain counties; and declaring an emergency.

To Committee on State Affairs.

By Senator Meier:

S.B. 421, A bill to be entitled An Act relating to the establishment of a real estate recovery fund; prescribing the procedure and conditions for making claims for recovery from the fund; providing powers and duties of the Texas Real Estate Commission; repealing certain bond requirements; repealing Section 11, Real Estate License Act, as amended (Article 6573a, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on State Affairs.

By Senator Meier:

S.B. 422, A bill to be entitled An Act amending Acts 1973, 63rd Legislature, Chapter 399, as amended by Acts 1973, 63rd Legislature, Chapter 426, and codified as Section 31.04, Chapter 31, Title 7 of Vernon's Annotated Penal Code; providing for an offense of theft of service when a person, with the intent to commit theft of service, holds a rented motor vehicle beyond the time period for which it was initially contracted without notifying the supplier within a certain period of his intention to continue use of the motor vehicle; providing for the presumption of intent to avoid payment when a person holds a rented motor vehicle seventy-two (72) hours beyond the time period for which it was initially contracted without notifying the supplier of the

continued use of the motor vehicle; and declaring an emergency.
To Committee on Jurisprudence.

By Senator Harris:

S.B. 423, A bill to be entitled An Act relating to the continuation of benefits after the death of the insured; and declaring an emergency.
To Committee on Economic Development.

HOUSE BILLS ON FIRST READING

The following bills received from the House, were read the first time and referred to the Committees indicated:

H.B. 179, To Committee on Jurisprudence.

H.B. 407, To Committee on Jurisprudence.

H.B. 10, To Committee on Jurisprudence.

MESSAGE FROM THE HOUSE

Hall of the House of Representatives
Austin, Texas, February 20, 1975

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has granted the request of the Senate for the appointment of a conference committee on Senate Bill 56.

House Conferees: Nugent, Heatly, Slack, Nabers and Hollowell.

H.C.R. 42, Commending the Honorable Billy H. Williamson.

S.B. 11, A bill to be entitled An Act relating to the day designated as Veterans Day; amending Article 4591, Revised Civil Statutes of Texas, 1925, as amended, and Sections 1 and 2, Article 10a, Subchapter IX, Texas Banking Code of 1943, as amended (Article 342-910a, Vernon's Texas Civil Statutes); and declaring an emergency.

S.C.R. 3, Providing for the selection and appointment of Texas State Artist.

S.C.R. 11, Authorizing the appointment of a committee to designate poet laureates.

H.B. 424, A bill to be entitled An Act relating to the practice of law by certain unlicensed persons; amending Section 3, State Bar Act, as amended, (Article 320a-1, Vernon's Texas Civil Statutes); and declaring an emergency.

All necessary rules suspended and the Conference Committee Report on Senate Bill 56 adopted by record vote of 120 Ayes, 12 Nays.

Respectfully submitted,
DOROTHY HALLMAN
Chief Clerk, House of Representatives

CONFERENCE COMMITTEE REPORT ON SENATE BILL 56

Senator Moore submitted the following Conference Committee Report:

Austin, Texas
February 19, 1975

Honorable William P. Hobby
President of the Senate

Honorable Bill Clayton
Speaker of the House of Representatives

Sirs:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **S.B. 56** have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

MOORE
McKNIGHT
DOGGETT
McKINNON
TRAEGER
On part of the Senate

NUGENT
HEATLY
SLACK
NABERS
HOLLOWELL
On part of the House

S.B. 56,

A BILL

TO BE ENTITLED

An Act amending Chapter 352, Acts of the 50th Legislature, Regular Session, 1947, as amended (Article 6228a, Vernon's Texas Civil Statutes), by adding Section 5-2 to increase annuities payable out of the Retirement Annuity Reserve Fund with respect to retirements or deaths occurring before the effective date of this Act and to provide for payment of premiums for group life and health insurance for eligible annuitants; making an appropriation to fund such increases and benefits; prescribing the conditions upon which this Act shall become and continue effective as law; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Chapter 352, Acts of the 50th Legislature, Regular Session, 1947, as amended (Article 6228a, Vernon's Texas Civil Statutes), is amended to add Section 5-2 to read as follows:

Section 5-2. (a) Notwithstanding any other provision of this Act, all annuities otherwise payable out of the Retirement Annuity Reserve Fund, with respect to retirements or deaths occurring before the effective date of this Act, are increased by 12 percent. The costs of group life and health insurance premiums for persons entitled to receive monthly annuity payments under the Employees Retirement Act shall, within the limits of eligibility under state contracts in force on the effective date of this Act or as may be otherwise provided by law, be fully paid through funds authorized for use by the Employees Retirement System. The increases in annuities and benefits provided in this Act become payable on the first of the month in which (1) this Act takes effect and (2) the 64th Legislature, Regular Session, adopts a joint resolution proposing an amendment to the Texas Constitution authorizing the appropriation of funds for the payment of the increases in benefits. The increases in annuities and the benefits provided in this Act shall be paid through the last day of the month in which the proposed constitutional amendment is voted on by the qualified electors of this state, but may not be paid thereafter unless the constitutional amendment is adopted.

(b) Contingent on the adoption of the constitutional amendment and a determination by the governor of an emergency, in that additional sums are required for the payment of benefits authorized by law, there is appropriated out of the General Revenue Fund to the Employees Retirement System of Texas the sum of \$21.8 million, the sum having been actuarially determined to be the amount necessary to fund the benefit increases provided in this Act for the duration of the life expectancy of those entitled to receive the benefits provided under this Act. On adoption of the constitutional amendment, the state comptroller shall transfer the appropriated sum for deposit in the Retirement Annuity Reserve Fund.

Sec. 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The Conference Committee Report was read and was adopted by the following vote: Yeas 28, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Longoria, McKinnon, McKnight, Meier, Mengden, Moore, Patinan, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: Lombardino, Mauzy and Ogg.

HOUSE CONCURRENT RESOLUTION 60 ON SECOND READING

The President laid before the Senate the following resolution:

H.C.R. 60, Directing the Railroad Commission of Texas to investigate to check each location where hydrogen sulfide is being injected into the wells and tell all nearby residents of the hazards of the lethal gas.

The resolution was read.

On motion of Senator Hance and by unanimous consent, the resolution was considered immediately and was adopted.

MESSAGE FROM THE GOVERNOR

The following message from the Governor was read and was referred to the Committee on State Affairs, Sub-Committee on Nominations:

Austin, Texas
February 20, 1975

TO THE SENATE OF THE SIXTY-FOURTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be members of the Performance Certification Board: For a six-year term to expire August 31, 1979: Mr. Gene Clayton Sellars of San Angelo, Tom Green County is replacing Mr. Jay W. Barnes of Austin, Travis County whose term expired. Mr. Ricks Wilson of San Antonio, Bexar County is replacing Mr. David R. Feinman of Galveston, Galveston County whose term expired. Mr. Robert A. Conover of Austin, Travis County is replacing Mr. Maury J. Owen of Fort Worth, Tarrant County whose term expired.

For a six-year term to expire August 31, 1977: Mr. Clifton W. Guthrie of San Antonio, Bexar County is replacing Mr. Olaf T. Lodal of San Antonio, Bexar County who is deceased.

Respectfully submitted,
DOLPH BRISCOE
Governor of Texas

CO-AUTHOR OF SENATE BILL 399

On motion of Senator Creighton and by unanimous consent, Senator Williams will be shown as Co-author of **S.B. 399**.

CO-AUTHOR OF SENATE BILL 371

On motion of Senator Creighton and by unanimous consent, Senator Clower will be shown as Co-author of **S.B. 371**.

CO-AUTHOR OF SENATE BILL 410

On motion of Senator Brooks and by unanimous consent, Senator Clower will be shown as Co-author of **S.B. 410**.

HOUSE CONCURRENT RESOLUTION 46 ON SECOND READING

The President laid before the Senate the following resolution:

H.C.R. 46, Approving, ratifying, and authorizing the action of the Attorney General in Cause Number 229,447, the State of Texas v. Southwestern Bell Telephone Company.

The resolution was read.

On motion of Senator Clower and by unanimous consent, the resolution was considered immediately and was adopted.

RECORD OF VOTES

Senators Harris, Jones, McKnight, and Andujar asked to be recorded as voting "Nay" on the adoption of the resolution.

SENATE BILL 140 ON SECOND READING

Senator Harris moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 140** be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 26, Nays 1.

Yeas: Adams, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Longoria, McKinnon, McKnight, Meier, Mengden, Patman, Saantiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Aikin.

Absent: Moore.

Absent-excused: Lombardino, Mauzy and Ogg.

The President laid before the Senate on its second reading and passage to engrossment:

S.B. 140, A bill to be entitled An Act providing that manufacturers of beer shall designate territorial limits within which its beer may be sold; providing that manufacturers of beer and their distributors shall establish the responsibility for the distribution of beer in designated territories on a nonexclusive basis; providing for sales between distributors; and declaring an emergency.

The bill was read second time.

Senator Harris offered the following Committee Amendment to the bill:

Amend **S.B. 140** by inserting the word "nonexclusive" between the words "the" and "territorial" as the same appear in subsection (b), Section 2b, Article II of the Texas Liquor Control Act, as amended by Section 1 of the Bill.

The Committee Amendment was read.

Senator Harris offered the following substitute for the Committee Amendment to the bill:

Amend **S.B. 140** by striking all below the enacting clause and substituting the following:

"Section 1. Article II, Texas Liquor Control Act, as amended (Article 667-1, et seq., Vernon's Texas Penal Code), is amended by adding Section 2b to read as follows:

'Section 2b. (a) Each holder of a Manufacturer's or Nonresident Manufacturer's License shall designate territorial limits in this State within which the brands of beer manufactured by such manufacturer may be sold by General, Local or Branch Distributor's Licensees.

'(b) Each holder of a General, Local or Branch Distributor's License shall enter into a written agreement with each manufacturer from whom the distributor purchases beer for distribution and sale in Texas setting forth the nonexclusive territorial limits within which each brand so purchased may be distributed and sold. A copy of the agreement, and any amendments to it, shall be filed with the Administrator.

'(c) Nothing contained in Subsections (a) and (b) of this section limits or alters the right of any holder of a General, Local or Branch Distributor's License to sell beer to any other holder of a General, Local or Branch Distributor's License; provided, however, a distributor who has purchased beer from another distributor may distribute and sell the beer only within a territory for which the manufacturer of the brand has designated it may be sold by a distributor.

'(d) Nothing contained in Subsections (a), (b) and (c) of this section limits or alters the right of any holder of a Retail License or Permit to purchase beer at the licensed premises of any holder of a General, Local or Branch Distributor's License and to transport such beer to his licensed premises; provided, however, the beer so purchased may be sold by a retailer only within a territory for which the manufacturer of the brand has designated it may be sold by a distributor.'

"Sec. 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted."

The substitute for the Committee Amendment was read and was adopted.

The amendment as substituted was then adopted.

Senator Harris offered the following Committee Amendment to the bill:

Amend Senate Bill 140 by striking all above the enacting clause and substituting therefor the following:

A BILL TO BE ENTITLED

AN ACT

relating to the designation of territorial limits for the sale and distribution of brands of beer; adding Section 2b to Article II, Texas Liquor Control Act, as amended (Article 667-1, et seq., Vernon's Texas Penal Code); and declaring an emergency.

The Committee Amendment was read.

Senator Harris offered the following substitute for the Committee Amendment to the bill:

Amend S.B. 140 by striking all above the enacting clause and substituting the following:

"A BILL TO BE ENTITLED

AN ACT

relating to the designation of territorial limits for the sale and distribution of brands of beer; adding Section 2b to Article II, Texas Liquor Control Act, as amended (Article 667-1, et seq., Vernon's Texas Penal Code); and declaring an emergency.'

The substitute for the Committee Amendment was read and was adopted.

The amendment as substituted was then adopted.

The bill as amended was passed to engrossment.

SENATE BILL 140 ON THIRD READING

Senator Harris moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 140** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 1.

Yeas: Adams, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Longoria, McKinnon, McKnight, Meier, Mengden, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Aikin.

Absent: Moore.

Absent-excused: Lombardino, Mauzy and Ogg.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

RECORD OF VOTES

Senators Aikin and Adams asked to be recorded as voting "Nay" on the final passage of the bill.

RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled resolutions:

H.C.R. 55

H.C.R. 40

H.C.R. 39

H.C.R. 45

EXECUTIVE SESSION

The President announced that the time had arrived for an Executive Session of the Senate. (Senator McKinnon having given notice on yesterday).

Accordingly, the President at 11:00 o'clock a.m. directed all those not entitled to attend the Executive Session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the Executive Session, the President called the Senate to order As In Legislative Session at 11:21 o'clock a.m. today.

On motion of Senator McKinnon and by unanimous consent, the nomination of Joe C. Bridgefarmer to be a Member of the Texas Air Control Board was returned to the Committee on State Affairs, Sub-Committee on Nominations.

Senator McKinnon moved confirmation of the nominees reported by the Committee on State Affairs, Sub-Committee on Nominations and considered in Executive Session.

The President asked if there were motions to sever nominees.

There were no motions offered.

The following nominees were then confirmed by the following vote: Yeas 27, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Longoria, McKinnon, McKnight, Meier, Mengden, Patman, Santicsteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent: Moore.

Absent-excused: Lombardino, Mauzy and Ogg.

NOMINEES CONFIRMED

Members, Texas Aeronautics Commission: For a six-year term to expire December 31, 1980: Mr. Gerald Clayton Puckett of Fort Stockton, Pecos County is replacing Mr. Paul M. Fulks, Sr. of Wolfe City who resigned; Mr. Jack Henry McCreary of Austin, Travis County is replacing Mr. James L. Luther of Killeen whose term expired.

Member, Texas Air Control Board: For a six-year term to expire September 1, 1979: Mr. John L. Blair of Kountze, Hardin County is being reappointed; Doctor Albert Hartman, Jr. of San Antonio, Bexar County is replacing Doctor Wendell H. Hamrick of Houston whose term expired.

Member, Texas Railroad Commission until the next general election in 1974 and until his successor shall be duly elected and qualified: The Honorable Mack Wallace of Athens, Henderson County is replacing Mr. Byron Tunnell of Tyler who resigned.

Member, State Depository Board: For a two-year term to expire August 22, 1975: Mr. Bolin Mahaffey of Corpus Christi, Nueces County is being reappointed.

Member, Texas Mass Transportation Commission: For a six-year term to expire August 31, 1975: Mr. James W. Porter, Jr. of Dallas, Dallas County is replacing Mr. James W. Keay of Dallas who resigned.

Member and Chairman, Texas Alcoholic Beverage Commission: For a six-year term to expire November 15, 1979: Mr. Tom Gordon of Abilene, Taylor County is being reappointed.

Member, Texas Civil Air Patrol Commission: For a six-year term to expire May 31, 1979: Mr. Edward Messick of San Antonio, Bexar County is replacing Mr. Louis C. Mays of Dallas whose term expired; Mr. Joe LaMantia of McAllen, Hidalgo County is replacing Colonel John A. Goolsby of Austin whose term expired; Mr. Robert Lewis Dabney, Jr. of Houston, Harris County is replacing Mr. Joe LaMantia of McAllen who resigned; Mr. Noell Rather of Dallas, Dallas County is replacing Mr. Luther C. Bogard of Tyler whose term expired.

Firemen's Pension Commissioner: For a two-year term to expire July 1, 1975: Mr. Hal H. Hood of Austin, Travis County is replacing Mrs. Marie Winters of Austin who resigned.

Members, Commission on Fire Protection, Personnel Standards and Education: For a six-year term to expire June 11, 1979: Mr. Mike E. Perez, Jr. of Laredo, Webb County is being reappointed; Mr. Alcus Greer of Houston, Harris County is being reappointed; Mr. William H. Sharp of Lubbock, Lubbock County is being reappointed.

Member, Gulf States Marine Fisheries Commission: For a three-year term to expire March 17, 1975: Mr. John A. Mehos of Galveston, Galveston County is being reappointed.

Members, State Board of Morticians: For a six-year term to expire May 31, 1979: Mr. John Artero of Victoria, Victoria County is replacing Mr. Charles L. Villasenor of Austin whose term expired; Mr. Jack Carswell of Houston, Harris County is replacing Mr. Charles Marshall of Aransas Pass whose term expired.

Members, Texas Board of Physical Therapy Examiners: For a six-year term to expire January 31, 1979: Mrs. Hilda F. McKethan of Corpus Christi, Nueces County is being reappointed; Mr. James C. Dalton of Waco, McLennan County is being reappointed; Mrs. Elizabeth M. Barkley of Houston, Harris County is being reappointed.

Members, Texas State Board of Podiatry Examiners: For a six-year term to expire July 10, 1979: Doctor Joseph C. Littrell of Waco, McLennan County is being reappointed; Doctor Isaac E. Willis, Jr. of Longview, Gregg County is being reappointed.

Members, Texas Board of Private Investigators and Private Security Agencies: For a six-year term to expire January 31, 1979: Mr. James T. Hale, Jr. of Houston, Harris County is being reappointed.

For a six-year term to expire January 31, 1975: Mr. George A. Smith, Jr. of Dallas, Dallas County is replacing Mr. Morris A. Ruebright of Houston who resigned.

Members, State Board of Registration for Public Surveyors: For a six-year term to expire September 6, 1975: Mr. Robert L. Hal, Jr. of Anahuac, Chambers County is replacing Mr. C. J. Montgomery of Houston who resigned.

For a six-year term to expire September 6, 1975: Mr. Bennis W. Meeks of Center, Shelby County is replacing Mr. Oliver McElya of Dallas whose term expired; Mr. Irving H. Webb of Buchanan Dam, Llano County is replacing Mr. Perry Thompson of Longview whose term expired.

SENATE BILL 222 ON SECOND READING

Senator Longoria moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 222** be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Longoria, McKinnon, McKnight, Meier, Mengden, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent: Moore.

Absent-excused: Lombardino, Mauzy and Ogg.

The President laid before the Senate on its second reading and passed to engrossment:

S.B. 222, A bill to be entitled An Act relating to the compensation of the judges of the 103rd, 107th, 138th, and 197th Judicial Districts; and declaring an emergency.

The bill was read second time and was passed to engrossment.

SENATE BILL 222 ON THIRD READING

Senator Longoria moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 222** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Longoria, McKinnon, McKnight, Meier, Mengden, Moore, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: Lombardino, Mauzy and Ogg.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Longoria, McKinnon, McKnight, Meier, Mengden, Moore, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: Lombardino, Mauzy and Ogg.

SENATE BILL 39 ON SECOND READING

Senator Doggett moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 39** be taken up for consideration

at this time.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Longoria, McKinnon, McKnight, Meier, Mengden, Moore, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: Lombardino, Mauzy and Ogg.

The President laid before the Senate on its second reading and passed to engrossment:

S.B. 39, A bill to be entitled An Act amending Section 8, Chapter 94, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 4512b, Vernon's Texas Civil Statutes), to raise the permissible annual license fee to \$50; and declaring an emergency.

The bill was read second time and was passed to engrossment.

SENATE BILL 39 ON THIRD READING

Senator Doggett moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 39** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Longoria, McKinnon, McKnight, Meier, Mengden, Moore, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: Lombardino, Mauzy and Ogg.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Longoria, McKinnon, McKnight, Meier, Mengden, Moore, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: Lombardino, Mauzy and Ogg.

MESSAGE FROM THE HOUSE

Hall of the House of Representatives
Austin, Texas, February 20, 1975

Honorable William P. Hobby

President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 191, A bill to be entitled An Act relating to the name of a professional corporation; amending Section 8, Texas Professional Corporation Act (Article 1528c, Vernon's Texas Civil Statutes); and declaring an emergency.

Respectfully submitted,
DOROTHY HALLMAN
Chief Clerk, House of Representatives

SENATE BILL 40 ON SECOND READING

Senator Doggett moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 40** be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Longoria, McKinnon, McKnight, Meier, Mengden, Moore, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: Lombardino, Mauzy and Ogg.

The President laid before the Senate on its second reading and passed to engrossment:

S.B. 40, A bill to be entitled An Act amending Sections 10 and 12, Chapter 94, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 4512b, Vernon's Texas Civil Statutes); applicants for licenses to practice chiropractic and the required amount of an application fee; adding subjects on which applicants are to be examined; and declaring an emergency.

The bill was read second time.

Senator Meier offered the following amendment to the bill:

Amend Senate Bill 40 by adding three new sections, to be numbered Section 2a, Section 2b, and Section 2c to follow Section 2, to read as follows:

"Section 2a. Effective September 1, 1975, all funds collected by the Texas Board of Chiropractic Examiners under provisions of Chapter 94, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 4512b, Vernon's Texas Civil Statutes), shall be deposited in the General Revenue Fund in the State Treasury and all expenses of the Board shall be defrayed by appropriations from the General Revenue Fund. Until September 1, 1975 all fees collected by the Texas Board of Chiropractic Examiners Fund and all expenditures made necessary to enforce the provisions of Chapter 94, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 4512b, Vernon's Texas Civil Statutes), shall be defrayed by funds deposited in the 'Chiropractic Examiners Fund.'

"Section 2b. Section 11, Chapter 24, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 4512b, Vernon's Texas Civil Statutes), is amended

to read as follows:

"Section 11. The appropriated funds ~~[realized from the fees collected under this Act shall constitute the 'Chiropractic Examiners Fund' and]~~ shall be applied to the necessary expenses of the Texas Board of Chiropractic Examiners, including the expenses authorized by said Board in enforcing the provision of this Act and compensate members of the Board, said compensation to each member of the Board to be Twenty-five Dollars (\$25) per day for the days such members may be active on business of the Board, whether such business consists of regular meeting, committee work for the Board, grading of papers, traveling, or any other function which is a legitimate and proper function held to be necessary by the Texas Board of Chiropractic Examiners.

"Said daily compensation shall be exclusive of the necessary costs of travel of any Board member, or any other expenses necessary to the performance of his duty; provided also that the premium of any bond required by the Board of any officer or employee of the Board shall be paid out of appropriations ~~[said fund]~~, as well as the necessary expenses of any employee incurred in the performance of his duties.

"All disbursements from said appropriations ~~[fund]~~ shall be made only upon written approval of the President and Secretary-Treasurer of the Texas Board of Chiropractic Examiners upon warrants drawn by the Comptroller ~~[to be paid out of said fund]~~.

"Section 2c. Section 2, Chapter 94, Acts of the 51st Legislature, Regular Session, 1949 (Article 4512b, Section 2, Vernon's Texas Civil Statutes), is hereby repealed."

The amendment was read.

Senator McKinnon moved to table the amendment.

The motion to table prevailed by the following vote: Yeas 21, Nays 6.

Yeas: Andujar, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, McKinnon, McKnight, Mengden, Patman, Santiesteban, Sherman, Snelson, Traeger and Williams.

Nays: Adams, Aikin, Braecklein, Longoria, Meier and Schwartz.

Absent: Moore.

Absent-excused: Lombardino, Mauzy and Ogg.

The bill was passed to engrossment.

SENATE BILL 40 ON THIRD READING

Senator Doggett moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 40 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Longoria, McKinnon, McKnight, Meier, Mengden, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent: Moore.

Absent-excused: Lombardino, Mauzy and Ogg.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Longoria, McKinnon, McKnight, Meier, Mengden, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent: Moore.

Absent-excused: Lombardino, Mauzy and Ogg.

MESSAGE FROM THE HOUSE

Hall of the House of Representatives
Austin, Texas, February 20, 1975

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 81, A bill to be entitled An Act relating to the jurisdiction of the county and district courts of Falls County; amending Chapter 89, Acts of the 35th Legislature, Regular Session, 1917; amending Subdivision 82, Article 199, Revised Civil Statutes of Texas, 1925; and declaring an emergency.

Respectfully submitted,
DOROTHY HALLMAN
Chief Clerk, House of Representatives

BILL SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled bill:

S.B. 56

NOTICES OF INTENT

The following Notices of Intent were filed with the Secretary of the Senate:

Monday, February 24, 1975

S.C.R. 23 - Senator Sherman

C.S.S.B. 89 - Senator Hance